

UNITED STATES DISTRICT COURT  
for the  
Middle District of Tennessee  
at Columbia

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AUG 28 2024

US DISTRICT COURT  
MID DIST TENN

**Carlos Farris,**

**Plaintiff,**

**v.**

**Case No.: 1:23-CV-00024-WLC-BDH**

**David Baker, Adam Boron, F/N/U Kacy,  
Lt. F/N/U Harris, Lt. F/N/U Maddox,  
F/N/U Scott, Trinity Food Services,**

**Defendants.**

**PLAINTIFF'S AFFIDAVIT AND MOTION AND FOR THE CLERKS ENTRY OF  
DESCENDANTS DEFAULT PURSUANT TO RULE 55(A)**

Plaintiff, Carlos M, Farris #391233, pro se [herein after Plaintiff], moves the clerk, pursuant to Rule 55(a) of fed. R. Civ. P. an Entry of the Default against the Defendants Kitchen Stewardess Kacy and Scott, workers of Trinity Food Service, at Maury County Jail, 1300 Lawson White Drive, Columbia, TN, 38401. In support, Plaintiff would show :

That Kitchen steward of Trinity food services Kacy and Scott failed to file a response in the sixty (60) day requirement ,under Fed. R. Civ. p. 12(a) in which time they were required to submit a responsive pleading defending themselves against the plaintiffs allegations which were filed on December 20, 2023. The Defendants Kacy and Scott never sought permission from the courts at any time for an extension of time to respond to the plaintiffs complaint.

The Defendants also had the availability to waive their right to reply to the allegations in the Plaintiff's Complaint pursuant to 42 U.S.C 1997e(g)(1)-(2)).

Plaintiff has filed a complaint which seeks a judgment for affirmative relief from the

defendants who have failed to file a responsive pleading defending against any of the plaintiff's allegations within the required sixty(60) days under Fed. R. Civ. P. 12(a)(1)(A)(ii). As such is the case, the Clerk must enter the Defendants' Default pursuant to Fed. R. Civ. P. 55(a). (See Fed. R. Civ. P. 55(a)). See *Miles v. Shelby Cty. Crim. Justice Ctr.*, 2020 U.S. Dist. LEXIS 172917, @ 4 (W.D Tenn. 2020), (Rule 55(a) provides that " [w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default. Plaintiff will show he was approved by Chaplain David Baker to receive a religious dietary tray but was discriminated against by Kacy and Scott. Therefore, I am asking for \$30,000.00 in Punitive and Compensatory damages from Kacy and Scott, individually. Workers of Trinity food services \$15,000.00 for punishment for denying me my rites of religious practice of dietary law, that raised a material issue under the first amendment .See *Benjamin v. Coughlin* ,905 F.2d 571,579-80. And denial of a privilege to adherents of ones religion in violation of the equal protection clause of the constitution See .aff'd,169 Fed.Appx.999(7<sup>th</sup> Cir.2006) unpublished; . *Lucero v. Hensley*,920 F.Supp.1067,1075. I'm asking \$15,000.00 for compensatory on the grounds of Inmates have the right to be provided with food sufficient to sustain them in good health that satisfies the dietary laws of their religion .See *Lafevers v. Saffle* 936 F.2d 1117,1119 (10<sup>th</sup> Cir.1991). As on court observed the mere fact that a belief may be unusual does not strip it of its constitutional protection .See *Dettmer v. Landon* 617 F.Supp.592,596 (E.D. Va.1985) aff'd in pertinent part, 799 F.2d 929 (4<sup>th</sup> Cir.1986 ).

Respectfully submitted,



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Carlos Farris, pro se  
2520 Union Springs Rd.  
Whiteville, TN 38075

#### Certificate of Service

I, Carlos Farris, swear under penalty of perjury, that a true and exact copy of the foregoing was placed inside the outgoing mailbox at Hardeman County Correctional Facility, to be logged and mailed, via U.S. Mail, with sufficient postage for First-Class, on this 19<sup>th</sup> day of August, 2024, to:

Robyn Beale Williams  
12 Cadillac Drive  
Suite 480  
Brentwood, TN 37027; and

Alexander B. Chosid  
1260 Andes Boulevard  
St. Louis, MO 63132.



Carlos Farris

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Middle District of Tennessee

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**LEGAL MAIL**